Stephen Roberts
Texas Bar No. 17019200
Robert P. Franke
Texas Bar No. 07371200
Duane J. Brescia
Texas Bar No. 240252650
STRASBURGER & PRICE, LLP
600 Congress, Suite 1600
Austin, Texas 78701
(512) 499-3600 / (512) 499-3660 Fax
stephen.roberts@strasburger.com
robert.franke@strasburger.com
duane.brescia@strasburger.com

ATTORNEYS FOR DEBTOR SUPERIOR AIR PARTS, INC.

IN THE UNITED STATES BANKRUPTCY COURT FOR THE NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

IN RE:

\$ Case No. 08-36705

\$ SUPERIOR AIR PARTS, INC.,

\$ Chapter 11

\$ Debtor.

<u>DEBTOR'S OBJECTION TO CLAIM NO. 90 FILED BY</u> <u>ALCOA FASTENING SYSTEMS</u>

TO: THE HONORABLE BARBARA J. HOUSER, UNITED STATES BANKRUPTCY JUDGE:

A HEARING MAY NOT BE CONDUCTED HEREON UNLESS A RESPONSE IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AT EARLE CABELL BUILDING, U.S. COURTHOUSE 1100 COMMERCE STREET - ROOM 1254 DALLAS, TX 75242-1496 BEFORE CLOSE OF BUSINESS ON SEPTEMBER 10, 2009, WHICH IS THIRTY (30) DAYS FROM THE DATE OF SERVICE HEREOF.

ANY RESPONSE MUST BE FILED WITH THE CLERK, AND A COPY MUST BE SERVED UPON COUNSEL FOR THE MOVING PARTY PRIOR TO THE DATE AND TIME SET FORTH HEREIN. IF A RESPONSE IS FILED A

HEARING WILL BE HELD WITH NOTICE TO ALL INTERESTED PARTIES.

IF NO HEARING ON SUCH NOTICE OR MOTION INITIATING A CONTESTED MATTER IS TIMELY REQUESTED, THE RELIEF REQUESTED SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT OR THE NOTICED ACTION MAY BE TAKEN.

Superior Air Parts, Inc. ("Superior"), as debtor and debtor-in-possession, files this objection to the proof of claim 90 filed by Alcoa Fastening Systems, and would show as follows:

- 1. On February 2, 2009, Alcoa, Inc. ("Alcoa") filed proof of claim number 31 ("Claim 31") in the amount of \$3,868.26 as an administrative expense claim pursuant to \$503(b)(9).
- 2. On February 4, 2009, Alcoa filed proof of claim number 90 ("Claim 90"), also in the amount of \$3,868.26 as an administrative expense claim pursuant to § 503(b)(9).
- 3. Superior objects to Claim 90 in its entirety on the grounds that Claim 90 is a duplicate of Claim 31.

WHEREFORE, the Debtor request that the Court grant this Objection and deny the Claim 90 and for such other and further relief as this Court may deem just and proper.

Respectfully submitted,

/s/ Stephen A. Roberts
Stephen A. Roberts (SBN 17019200)
Robert P. Franke (SBN 07371200)
Duane J. Brescia (SBN 24025265)
STRASBURGER & PRICE, LLP
600 Congress, Suite 1600
Austin, Texas 78701
Tel. (512) 499-3600 / Fax (512) 499-3643
stephen.roberts@strasburger.com
bob.franke@strasburger.com
duane.brescia@strasburger.com

BANKRUPTCY ATTORNEYS FOR DEBTOR SUPERIOR AIR PARTS, INC.

CERTIFICATE OF SERVICE

The undersigned certifies that true and correct copies of the foregoing pleading were forwarded to the parties listed below and on the attached Service List via first class U.S. Mail, postage prepaid, on the 11th day of August, 2009.

Claimant:

Alcoa, Inc. William Crawford, Paralegal 201 Isabella Street 6E02 Pittsburgh, PA 15212

Debtor:

Superior Air Parts, Inc. 621 S. Royal Lane, Suite 100 Coppell, TX 75019-3805

U.S. Trustee:

Mary Frances Durham Office of the United States Trustee 1100 Commerce Street, Room 976 Dallas, TX 75242

<u>Counsel for the Committee</u>: David W. Parham, Elliot Schuler & A. Swick Baker & McKenzie LLP 2001 Ross Ave., Suite 2300 Dallas, TX 75201

> /s/ Stephen A. Roberts Stephen A. Roberts